

UNITED STATES DISTRICT COURT
for the
Northern District of Oklahoma

[1] STATE FARM MUTUAL AUTOMOBILE)	
INSURANCE COMPANY)	
)	
Plaintiff,)	
vs.)	Civil Action No. 16-cv-00592-TCK-FHM
)	
[1] UNITED STATES OF AMERICA, and)	
[2] FEDERAL BUREAU OF INVESTIGATION)	
)	
Defendants.		

COMPLAINT

INTRODUCTION

1. This is an action to for Plaintiff, State Farm Mutual Automobile Insurance Company, to recover (subrogate) the damages that it paid out to its insured Jodi Lynn Madison, as a result of a collision that occurred at or near the intersection of East 51St Street and Highway 169, in the City of Tulsa, Tulsa County, State of Oklahoma. The subject accident involved Plaintiff's insured Jodi Lynn Madison, and FBI Agent Derek Dale Shackelford, who was operating a 2006 Dodge Charger, which was owned or leased by the FBI.

JURISDICTION and VENUE

2. This action is brought pursuant to the Federal Tort Claims Act, 28 U.S.C. ch. 171, 28 U.S.C. §2671, and this Court has jurisdiction pursuant to 28 U.S.C. §1346(b) and 28 U.S.C. §1331.

3. On June 25, 2014, the Plaintiff submitted an Administrative Claim for the claim set below to Defendant Federal Bureau of Investigation (FBI).

4. More than six (6) months has elapsed since the Plaintiff submitted its Administrative Claim, and the FBI has still not formerly accepted or denied Plaintiff's claim.
5. At this time, the Plaintiff has exhausted its administrative remedies.
6. The Plaintiff has met all conditions precedent to a bring this matter pursuant to the Federal Tort Claims Act.

PARTIES

7. The Plaintiff is an insurance corporation organized under the laws of the State of Illinois, and doing business within the State of Oklahoma.
8. Both the United States of America and the Federal Bureau of Investigation are appropriate defendants under the Federal Tort Claims Act.

FACTS

9. The subject accident occurred on February 25, 2014 at or near the intersection of East 51st Street and Highway 169, in the City of Tulsa, Tulsa County, State of Oklahoma.
10. The subject accident involved Plaintiff's insured Jodi Lynn Madison, and FBI Agent Derek Dale Shackelford, who was operating a 2006 Dodge Charger, which was owned or leased by the FBI.
11. The subject accident also involved Silvia Brown and Natasha Leanne Applegate; however, those individuals are not parties to this suit.
12. According to the police report, FBI Agent Shackelford was traveling east bound on 51st Street, when he was temporarily distracted by a ringing phone, which caused him to fail to brake before striking Silvia Brown in the rear, which pushed Ms. Brown's vehicle into Plaintiff's insured, Jodi Lynn Madison, which then caused Ms. Madison's vehicle to strike Natasha Leanne

Applegate's vehicle in the rear.

13. According to the police report, following the accident Agent Shackelford, admitted that the accident was his fault to the investigating officer.

14. The Plaintiff paid Two Thousand Three Hundred Fourteen Dollars and Four Cents (\$2,314.04) Cents in insurance benefits to Ms. Madison, and Ms. Madison also had a Five Hundred Dollar (\$500.00), deductible.

15. The Plaintiff is seeking to recover its Two Thousand Three Hundred Fourteen Dollars and Four Cents (\$2,314.04) in insurance benefits that it paid to Ms. Madison, as well Ms. Madison's Five Hundred Dollar (\$500.00), deductible, for a total amount of Two Thousand Eight Hundred Fourteen Dollars and Four Cents (\$2,814.04), in addition to attorney fees and costs.

FIRST CAUSE OF ACTION

16. The Plaintiff's claims are based on the negligent actions of FBI Agent Derek Dale Shackelford.

17. FBI Agent Derek Dale Shackelford, had a duty to maintain proper control of the vehicle he was driving, avoid distracted driving, maintain proper distance between the vehicle he was operating and other vehicles, and to maintain enough distance to brake in the event of an emergency.

18. FBI Agent Derek Dale Shackelford breached one or more of the above duties owed to Plaintiff's insured, and the breach of one or more of the above duties constitutes negligence.

19. FBI Agent Derek Dale Shackelford's negligent actions directly cause the property damages that Plaintiff's insured suffered, a portion of which Plaintiff paid, thus giving Plaintiff a right of subrogation, which it is seeking to enforce in the instant action.

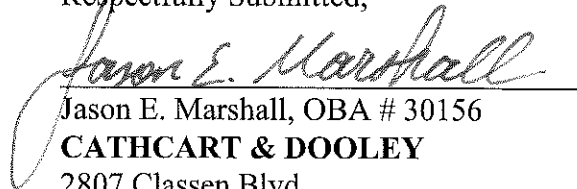
20. At all times relevant to the subject collision, The Federal Bureau of Investigations employee and agent, Derek Dale Shackelford was acting within the scope of his employment.

21. Under the Federal Tort Claims Act, Defendants United States of America and The Federal Bureau of Investigation, are liable for the above described actions of their employee and agent Derek Dale Schackelford.

22. Based on the negligent actions of Derek Dale Schackelford, the Plaintiff is seeking to recover its Two Thousand Three Hundred Fourteen Dollars and Four Cents (\$2,314.04) in insurance benefits that it paid to Ms. Madison, as well Ms. Madison's Five Hundred Dollar (\$500.00), deductible, for a total damages in the amount of Two Thousand Eight Hundred Fourteen Dollars and Four Cents (\$2,814.04), in addition to attorney fees and costs.

WHEREFORE, Plaintiff State Farm Mutual Automobile Insurance Company, requests that this Court award compensatory damages in the amount of Two Thousand Eight Hundred Fourteen Dollars and Four Cents (\$2,814.04), in addition to attorney fees and costs, together with and such other relief as the court may deem just and proper.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Jason E. Marshall", is written over a horizontal line.

Jason E. Marshall, OBA # 30156

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